

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75607

Jean-Marc O'Connor  
P O Box 651  
Sierra Vista Arizona 85636

6041 Gwynn Oak Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 26, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 18-2-601; 13-7-312, failure to remove or repair collapsed block wall at front of property, failure to remove debris at public sidewalk immediately, failure to stabilize grade at site on residential property known as 6041 Gwynn Oak Avenue, 21207.

On May 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Grant Kidd issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,600.00 (one thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 6, 2010 for remove/repair collapsed block wall at front of this residential property, remove debris at public sidewalk, stabilize grade at site. This Citation was issued on May 14, 2010.

B. Photographs in the file show a collapsed retaining wall at the front of this single-family residence, with multiple concrete cinderblocks piled on the sidewalk and in the street and a bare dirt hill collapsing onto the sidewalk. Cinderblocks and eroded dirt are also visible in the street. Parts of the retaining wall remain in place, with a large crack visible in the covering cement next to the front steps. The cinderblocks and other debris violate prohibitions against accumulation of junk, trash and debris on residential property. BCC 13-7-312.

C. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondent has have failed to maintain this property and has permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402. The Building Engineer is permitted by law to require an owner to maintain, replace or repair “[a]n exterior architectural feature that creates or allows the creation of a hazardous or unsafe condition.” BCC 35-2-404.

D. Court records show this property is in foreclosure proceedings. However, on May 27, 2010, a representative of counsel for the foreclosing party advised this Hearing Officer that Respondent is still in possession of the property. This Citation will be enforced. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,600.00 (one thousand six hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected, with the retaining wall repaired and all debris removed, by June 21, 2010.

IT IS FURTHER ORDERED that the County may enter the property at any time after the date of this Order for the purpose of removing debris, correcting any unsafe condition, and/or removing or stabilizing eroding soil, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1<sup>st</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer